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*Attorney for Defendants Jackie Biskupski and James Allred*

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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RUSSELL G. GREER and TRICIA CHRISTIE,

Plaintiffs,

vs.

GARY R. HERBERT, in his individual capacity as Governor of the State of Utah; SEAN D. REYES, in his official capacity as Attorney General of the State of Utah; SIM S. GILL, in his official capacity as District Attorney of the City and County of Salt Lake; JACKIE BISKUPSKI, in her official capacity as Mayor of the City of Salt Lake, BEN MCADAMS, in his official capacity as Mayor of the Count of Salt Lake, KATHY BERG, in her official capacity as Director of the Division of Commerce; JAMES ALLRED, in his official capacity as Business Licensing Manager for the City of Salt Lake; ROLEN YOSHINAGA, in his official capacity as Director of Planning and Development of the County of Salt Lake,

Defendants.

**MOTION TO DISMISS AND  
MEMORANDUM IN SUPPORT**

Case No. 2:16-cv-01067

Judge Dustin B. Pead

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Defendants Jackie Biskupski and James Allred in their official capacity (collectively the “City Defendants”), by and through counsel of record, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and DUCivR 7-1(a)(4), move to dismiss Plaintiff’s Complaint for failure to state a claim for relief.

The grounds for this motion are set forth in the motion to dismiss filed by Defendants Governor Gary R. Herbert, Attorney General Sean D. Reyes, and Kathy Berg, Division Director of the Division of Corporations and Commercial Code (collectively, the “State Defendants”) (Dkt. #17), and the motion to dismiss filed by defendants Sim Gill, Ben McAdams and Rolan Yoshinaga (collectively, the “County Defendants”) (Dkt. #18). The arguments advanced in the motions to dismiss filed by the State Defendants and the County Defendants concerning the constitutionality (state and federal) of Utah’s laws criminalizing prostitution, and the arguments with respect to plaintiff Tricia Christie, apply equally to the claims asserted against the City Defendants. The City Defendants hereby adopt these arguments as their own and join in the points and authorities advanced in support of the State Defendants’ motion and the County Defendants’ motion. *See* DUCivR 7-1(a)(4) (permitting joinder in motions filed by other parties via filing of separate motion and adoption by reference); Fed. R. Civ. P. 10(c) (permitting adoption by reference).

Accordingly, Plaintiffs’ complaint should be dismissed as against the City Defendants as a matter of law.

DATED this 28<sup>th</sup> day of December, 2016.

/s/ Catherine L. Brabson  
CATHERINE L. BRABSON  
*Attorney for Defendants Jackie Biskupski  
and James Allred*

**CERTIFICATE OF SERVICE**

I hereby certify that on 28<sup>th</sup> day of December, 2016, a true and correct copy of the **MOTION TO DISMISS AND MEMORANDUM IN SUPPORT** was electronically filed with the Court using the CM/ECF system, which sent notice to the following:

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And was sent via first class mail, postage prepaid, to the following:

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*Plaintiff pro se*

Tricia Christie  
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/s/ Lindsay Ross